

AMENDED IN ASSEMBLY APRIL 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1368

Introduced by Assembly Member Adams

February 27, 2009

An act to amend Section ~~131055~~ 1596.866 of the Health and Safety Code, relating to ~~public health~~ *child day care*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1368, as amended, Adams. ~~Public health. Child day care: safety.~~

Under existing law, the State Department of Public Health licenses and regulates child day care centers and family day care homes. Existing law requires day care center directors and licensees of large family day care homes to ensure that at least one staff member who has a current course completion in pediatric first aid and pediatric CPR, as specified, is onsite when children are present and is present with the children when they are offsite for facility activities. Willful or repeated violation of these provisions is a misdemeanor.

This bill would make the above provision applicable to all family day care homes. By enlarging the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law creates, within the California Health and Human Services Agency, the State Department of Public Health. The department is~~

~~vested with duties, powers, purposes, functions, responsibilities, and jurisdiction relating to public health, licensing and certification of health facilities, and various other programs, as specified.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.

State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1596.866 of the Health and Safety Code
2 is amended to read:

3 1596.866. (a) (1) In addition to ~~any~~ other required training,
4 at least one director or teacher at each day care center, and each
5 family day care home licensee who provides care, shall have at
6 least 15 hours of health and safety training.

7 (2) The training shall include the following components:

8 (A) Pediatric first aid.

9 (B) Pediatric cardiopulmonary resuscitation (CPR).

10 (C) A preventative health practices course or courses that include
11 instruction in the recognition, management, and prevention of
12 infectious diseases, including immunizations, and prevention of
13 childhood injuries.

14 (3) The training may include instruction in sanitary food
15 handling, child nutrition, emergency preparedness and evacuation,
16 caring for children with special needs, and identification and
17 reporting of signs and symptoms of child abuse.

18 (b) Day care center directors and licensees of ~~large~~ family day
19 care homes shall ensure that at least one staff member who has a
20 current course completion card in pediatric first aid and pediatric
21 CPR issued ~~either~~ by the American Red Cross ~~or~~, the American
22 Heart Association, or by a training program that has been approved
23 by the Emergency Medical Services Authority pursuant to this
24 section and Section 1797.191, shall be onsite at all times when
25 children are present at the facility, and shall be present with the
26 children when children are offsite from the facility for facility
27 activities. Nothing in this subdivision shall be construed to require,
28 in the event of an emergency, additional staff members, who are
29 onsite when children are present at the facility, to have a current
30 course completion card in pediatric first aid and pediatric CPR.

1 (c) (1) The completion of health and safety training by all
2 personnel and licensees described in subdivision (a) shall be a
3 condition of licensure.

4 (2) Training in pediatric first aid and pediatric CPR by persons
5 described in subdivisions (a) and (b) shall be current at all times.
6 Training in preventive health practices as described in subparagraph
7 (C) of paragraph (2) of subdivision (a) is a one-time-only
8 requirement for persons described in subdivision (a).

9 (3) The department shall issue a provisional license for otherwise
10 qualified applicants who are not in compliance with this section.
11 This provisional license shall expire 90 days after the date of
12 issuance and shall not be extended.

13 (4) A notice of deficiency shall be issued by the department at
14 the time of a site visit to any licensee who is not in compliance
15 with this section. The licensee shall, at the time the notice is issued,
16 develop a plan of correction to correct the deficiency within 90
17 days of receiving the notice. The facility's license may be revoked
18 if it fails to correct the deficiency within the 90-day period. Section
19 1596.890 shall not apply to this paragraph.

20 (d) Completion of the training required pursuant to subdivisions
21 (a) and (b) shall be demonstrated, upon request of the licensing
22 agency, by the following:

23 (1) Current pediatric first aid and pediatric CPR course
24 completion cards issued ~~either~~ by the American Red Cross ~~or~~, the
25 American Heart Association, or by a training program approved
26 by the Emergency Medical Services Authority pursuant to Section
27 1797.191.

28 (2) (A) A course completion card for a preventive health
29 practices course or courses as described in subparagraph (C) of
30 paragraph (2) of subdivision (a) issued by a training program
31 approved by the Emergency Medical Services Authority pursuant
32 to Section 1797.191.

33 (B) Persons who, prior to the date on which the amendments to
34 this section enacted in 1998 become operative, have completed a
35 course or courses in preventive health practices as described in
36 subparagraph (C) of paragraph (2) of subdivision (a), and have a
37 certificate of completion of a course or courses in preventive health
38 practices, or certified copies of transcripts that identify the number
39 of hours and the specific course or courses taken for training in

1 preventive health practices, shall be deemed to have met the
2 training in preventive health practices.

3 (3) In addition to training programs specified in paragraphs (1)
4 and (2), training programs or courses in pediatric first aid, pediatric
5 CPR, and preventive health practices offered or approved by an
6 accredited college or university are considered to be approved
7 sources of training that may be used to satisfy the training
8 requirements of paragraph (2) of subdivision (a). Completion of
9 this training shall be demonstrated to the licensing agency by a
10 certificate of course completion, course completion cards, or
11 certified copies of transcripts that identify the number of hours
12 and the specified course or courses taken for the training as defined
13 in paragraph (2) of subdivision (a).

14 (e) The training required under subdivision (a) shall not be
15 provided by a home study course. This training may be provided
16 through in-service training, workshops, or classes.

17 (f) All personnel and licensees described in subdivisions (a) and
18 (b) shall maintain current course completion cards for pediatric
19 first aid and pediatric CPR issued ~~either~~ by the American Red
20 Cross ~~or~~, the American Heart Association, or by a training program
21 approved by the Emergency Medical Services Authority pursuant
22 to Section 1797.191, or shall have current certification in pediatric
23 first aid and pediatric CPR from an accredited college or university
24 in accordance with paragraph (3) of subdivision (d).

25 (g) The department shall have the authority to grant exceptions
26 to the requirements imposed by this section in order to meet the
27 requirements of the Americans with Disabilities Act of 1990 (42
28 U.S.C. Sec. 12101 et seq.).

29 (h) The department shall adopt regulations to implement this
30 section.

31 *SEC. 2. No reimbursement is required by this act pursuant to*
32 *Section 6 of Article XIII B of the California Constitution because*
33 *the only costs that may be incurred by a local agency or school*
34 *district will be incurred because this act creates a new crime or*
35 *infraction, eliminates a crime or infraction, or changes the penalty*
36 *for a crime or infraction, within the meaning of Section 17556 of*
37 *the Government Code, or changes the definition of a crime within*
38 *the meaning of Section 6 of Article XIII B of the California*
39 *Constitution.*

1 ~~SECTION 1. Section 131055 of the Health and Safety Code~~
2 ~~is amended to read:~~

3 ~~131055. (a) All regulations and orders adopted by the former~~
4 ~~State Department of Health Services and any of its predecessors~~
5 ~~in effect immediately preceding the operative date of this section~~
6 ~~shall remain in effect and shall be fully enforceable unless and~~
7 ~~until readopted, amended, or repealed, or until they expire by their~~
8 ~~own terms. Any action by or against the former State Department~~
9 ~~of Health Services or any of its predecessors pertaining to matters~~
10 ~~vested in the State Department of Public Health by this chapter~~
11 ~~shall not abate but shall continue in the name of the State~~
12 ~~Department of Public Health, and the State Department of Public~~
13 ~~Health shall be substituted for the former State Department of~~
14 ~~Health Services and any of its predecessors by the court wherein~~
15 ~~the action is pending. The substitution shall not in any way affect~~
16 ~~the rights of the parties to the action.~~

17 ~~(b) On and after the operative date of this section, the~~
18 ~~unexpended balance of all funds available for use by the former~~
19 ~~State Department of Health Services or any of its predecessors in~~
20 ~~carrying out any functions transferred to the State Department of~~
21 ~~Public Health shall be available for use by the State Department~~
22 ~~of Public Health.~~

23 ~~(c) All books, documents, records, and property of the former~~
24 ~~State Department of Health Services pertaining to functions~~
25 ~~transferred to the State Department of Public Health shall be~~
26 ~~transferred to the State Department of Public Health.~~

27 ~~(d) On and after the operative date of this section, positions~~
28 ~~other than that of the State Public Health Officer and the Chief~~
29 ~~Deputy filled by appointment by the Governor in the former State~~
30 ~~Department of Health Services whose principal assignment was~~
31 ~~to perform functions transferred to the State Department of Public~~
32 ~~Health shall be transferred to the State Department of Public~~
33 ~~Health. Individuals in positions transferred pursuant to this section~~
34 ~~shall serve at the pleasure of the Governor. Salaries of positions~~
35 ~~transferred shall remain at the level established pursuant to law~~
36 ~~unless otherwise provided.~~

37 ~~(e) Every officer and employee of the former State Department~~
38 ~~of Health Services who is performing a function transferred to the~~
39 ~~State Department of Public Health and who is serving in the state~~
40 ~~civil service, other than as a temporary employee, shall be~~

1 transferred to the State Department of Public Health pursuant to
2 the provisions of Section 19050.9 of the Government Code. The
3 status, position, and rights of any officer or employee of the former
4 State Department of Health Services shall not be affected by the
5 transfer and shall be retained by the person as an officer or
6 employee of the State Department of Public Health, as the case
7 may be, pursuant to the State Civil Service Act (Part 2
8 (commencing with Section 18500) of Division 5 of Title 2 of the
9 Government Code), except as to a position that is exempt from
10 civil service.

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